

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

E. PAUL JONES,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 3:05-cv-628
)	
MBNA AMERICA, a Delaware)	
Corporation, a/k/a MBNA Consumer)	
Services, Inc.)	
)	
Defendant.)	

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed.R.Civ.P. 26(f), the following attorneys have conferred regarding proposed deadlines in this case and submit the following joint report, Defendant MBNA reserving its right to insist that the claims in this case be resolved by arbitration:

Angela J. Hill, representing the Plaintiff; and

George R. Parker, representing the Defendant.

2. **Statement Concerning Arbitration.** The Defendant MBNA, in its answer, asserted that the claims in this action are subject to arbitration and that this action is due to be stayed pending arbitration. The Defendant MBNA continues to reserve its right to submit this matter to arbitration and will file a motion to stay pending arbitration. All dates proposed herein would be moot were the Defendant's motion granted.

3. **Pre-Discovery Disclosures.** The parties shall exchange the information required by Rule 26(a)(1) within 21 days of the entry of the Court's scheduling order.

4. **Discovery Plan.** The parties jointly propose the following discovery plan:
 - (1) All discovery commenced in time to be completed by August 23, 2006.

 - (2) Maximum of 10 depositions for the Plaintiff and 10 depositions for the Defendant, with a maximum time limit of 7 hours per deposition, unless extended by agreement of the parties. These limitations do not include depositions of witnesses designated below in Paragraph 4, Subsection 2, as experts. Each party is entitled to a deposition of each designated expert, not to exceed 7 hours per deposition.

- (3) Maximum of 30 Interrogatories by each party, with responses due within thirty days after service.
- (4) Maximum of 20 Requests for Admissions by each party, with responses due within thirty days after service.
- (5) Maximum of 30 Requests for Production by each party, with responses due within thirty days after service.
- (6) Supplements under Fed.R.Civ.P. Rule 26(e), are due 30 days before the close of discovery.

4. **Other Items.**

- (1) The parties do not request a conference with the Court before entry of the scheduling order.
- (2) Reports from retained experts under Rule 26(a)(2) F.R.C.P. are due from the Plaintiff by April 17, 2006, and any such experts shall be made available for deposition by no later than May 2, 2006. Reports from retained experts from the Defendant are due by May 17, 2006, and any such experts shall be made available for deposition by not later than June 1, 2006.
- (3) The parties request a pretrial conference during the week of September 18, 2006.
- (4) All potentially dispositive motions should be filed by June 19, 2006.
- (5) Any motions to amend the pleadings or to join additional parties should be filed within 90 days of the entry of the Court's scheduling order.
- (6) Settlement and mediation cannot realistically be evaluated until the parties conduct further discovery.
- (7) Final list of trial witnesses and exhibits under Fed. R. Civ. P. 26(a)(3) must be served and filed:
 - a. By the Plaintiff: 30 days before trial; and
 - b. By the Defendant: 30 days before trial.
- (8) Objections are to be filed within 15 days after receipt of final list.
- (9) This case should be ready for trial at the October 23, 2006 term.

(10) Trial is expected to last 3-4 days.

The attorneys for the parties jointly prepared this Report of the Parties' Planning Meeting, and counsel for the Plaintiff have reviewed this report and given permission to the Defendant's counsel to electronically file it with the Court on behalf of the parties.

Respectfully submitted this the 26th day of August, 2005.

Respectfully submitted,

s/George R. Parker
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